

LEGAL AUTHORITY

By statute, the Georgia Archives and the Office of Secretary of State have the following authority with regard to the preservation of government records:

O.C.G.A. § 45-13-41: The objects and purposes of the Georgia Archives shall be to:

- (1): “Ensure the retention and preservation of the records of any state or local agency with historical and research value by providing for the application of modern and efficient methods to the creation, utilization, maintenance, retention, preservation, and disposal of records;”
- (2): “Provide an archival and records' depository in which to assemble and maintain the official archives and other inactive records of the state not in current and common use;”
- (3): “Collect from the files of old newspapers, court records, church records, private collections, and other sources data of all kinds bearing upon the history of the state;”

O.C.G.A. § 50-18-93: It shall be the duty of the department to:

- (2): “Develop and issue procedures, rules, and regulations establishing standards for efficient and economical management methods relating to the creation, maintenance, utilization, retention, preservation, and disposition of records, filing equipment, supplies, microfilming of records, and vital records programs.”

In addition, the Office of Secretary of State is authorized to designate branch depositories by:

O.C.G.A. § 45-13-45 (b): “The Secretary of State is authorized to designate and establish, as a branch depository of the Division of Archives and History, facilities occupied by any nonprofit historical association organized for the purpose of collecting, preserving, and diffusing information relating to the history of Georgia, which association has been in continuous existence for a period of at least 100 years; provided, however, that no such designation and establishment of a branch depository shall be made unless the Secretary of State shall obtain the prior written approval of the historical association involved and unless the funds are made available to the Secretary of State for the specific purpose of supporting such branch depository. The Secretary of State may expend such funds as are necessary or desirable for the maintenance and operation of any such facilities and for the preservation and safeguarding of the contents thereof and for the employment of such persons as are necessary or desirable for the accomplishment of same. The Secretary of State may enter into such contractual arrangements as he or she deems to be in the public interest for acquiring the title to or loan of any historical records for use in such branch depository or any other depository of the Division of Archives and History. Such branch depository shall be under the immediate management and control of the Secretary of State. The Secretary of State may abolish such branch depository at any time.”

Such authority allows for the establishment of a Digital Archives specifically for the collection, preservation, and accessibility of the digital historical records of the state.

In addition, the following requirement of state officials is established by statute:

O.C.G.A. §45-13-46: Any state, county, or other official is authorized, in his or her discretion, to turn over for permanent preservation in the Division of Archives and History any official books, records, documents, original papers, manuscript files, newspaper files, portraits, and printed volumes not in current use in his or her office. Any record created or received by a state agency, constitutional officer, or Speaker of the House of Representatives in the performance of a public duty or paid for by public funds and *certified by the director of the Division of Archives and History as necessary to document the history, organization, functions, policies, decisions, and procedures of the agency or office shall be placed for permanent preservation in the Division of Archives and History when no longer in current use by the agency or officer.* The Secretary of State shall provide for the preservation of said materials; and, when so surrendered, copies thereof shall be made and certified by the director upon the application of any person interested, which certification shall have the same force and effect as if made by the officers originally in custody of them and for which the same fees shall be charged.